

House Bill 91(COMMITTEE SUBSTITUTE) (AM)

By: Representatives Bearden of the 68th, Ramsey of the 72nd, Powell of the 171st, and Cooke of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the
2 Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition
3 of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so
4 as to provide that any person convicted of certain designated felony offenses shall have such
5 conviction demarcated on his or her driver's license, permit, or identification card for the
6 length of his or her sentence; to provide for procedure; to amend Article 3 of Chapter 5 of
7 Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and
8 revocation of licenses, so as to provide for license suspension under certain circumstances;
9 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the
14 procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1,
15 relating to the fixing of sentence, by adding a new subsection to read as follows:

16 "(h)(1) In sentencing any defendant convicted of a felony listed in this subsection, other
17 than a defendant who is discharged without adjudication of guilt and who is not
18 considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42,
19 the judge shall inform the defendant that his or her driver's license, permit, or
20 identification card shall be submitted to the Department of Driver Services within 20 days
21 of the date that the court imposed such sentence in order to have a new driver's license,
22 permit, or identification card issued with a demarcation for being a convicted felon and
23 that failure to submit his or her license, permit, or identification card shall result in the
24 suspension, revocation, or cancellation of his or her license, permit, or identification card.
25 In the event that the defendant's driver's license, permit, or identification card is lost or

for any other reason surrender is impossible, a sworn affidavit indicating the status of such license, permit, or identification card shall be submitted to the department.

(2) This subsection shall apply to felony convictions for murder in violation of Code Section 16-5-1, kidnapping in violation of Code Section 16-5-40, rape in violation of Code Section 16-6-1, aggravated sodomy in violation of Code Section 16-6-2, aggravated child molestation in violation of Code Section 16-6-4, aggravated sexual battery in violation of Code Section 16-6-22.2, and armed robbery in violation of Code Section 16-8-41. The court imposing such sentence shall forward, within three business days after such conviction, a copy of its order of the disposition of the case to the Department of Driver Services."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-39.

(a) Any person who has been convicted of a felony designated in subsection (h) of Code Section 17-10-1 shall be issued a replacement driver's license, permit, or identification card for a fee of \$25.00 bearing a demarcation of a number or letter, or both, as determined by the department. Such license, permit, or identification card shall be issued for the remaining period for which the original license, permit, or identification card was issued, and no examination or eyesight test shall be required to obtain such replacement license, permit, or identification card. Renewal licenses, permits, or identification cards for such person shall bear such demarcation.

(b) The demarcation as determined by the department shall remain on the defendant's driver's license, permit, or identification card for the length of the defendant's sentence. If the defendant's sentence expires before the expiration of the license, permit, or identification card, the defendant may apply for a replacement license, permit, or identification card for a fee of \$25.00 which shall not bear such demarcation for the remaining period for which the original license, permit, or identification card was issued, and no examination or eyesight test shall be required to obtain such replacement license, permit, or identification card.

(c) The defendant shall submit his or her driver's license, permit, or identification card to the department as provided by subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and regulations governing such licenses."

SECTION 3.

Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, is amended by adding a new Code section to read as follows:

"40-5-57.4.

Any person who is convicted of a felony as provided for in subsection (h) of Code Section 17-10-1 who fails to surrender his or her driver's license, permit, or identification card or submit a lost license, permit, or identification card affidavit in accordance with Code Sections 17-10-1 and 40-5-39 shall have his or her license, permit, or identification card suspended, revoked, or cancelled for either the balance of his or her sentence or until such surrender of the license, permit, or identification card or submission of such affidavit and a new license, permit, or identification card is issued, whichever is shorter. After the suspension period and after such person pays a restoration fee of \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department shall return such driver's license, permit, or identification card to such person."

SECTION 4.

This Act shall become effective on July 1, 2011, and shall apply to persons convicted on or after such date.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.